

CONFIDENTIAL RECORD SHEET
REGISTRATION SERVICE
BOY SCOUTS OF AMERICA

Date March 30, 1989

Full name John ^EFischbach
(no initials if you can possibly get full name)

Social Security Number _____

Address _____

City Lincoln State NE ZIP Code 68505

Date of Birth 12/55 (This is important and should be exact.)

Approximate age 33 (To be used ONLY when date of birth is not known.)

Religion Lutheran Nationality _____

Occupation Lawn & Tree Service Owner

Education _____

Weight 285 Height 6' 9" Race White

Color of hair Brown Color of eyes _____

Outstanding characteristics or interests _____

Married or single Single Children _____
(Number, ages, and names, if possible)

Spouse's name N/a


Scouting connections:

Unit No.	City	State	Position	Date registered	Date resigned
<u>Troop 5</u>	<u>Lincoln</u>	<u>Neb.</u>	<u>SA</u>	<u>5/83</u>	<u>3/30/89</u>
Special recognition _____					

ID #
014537

Suspended or denied registration for following reasons: Suspected child Abuse

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION, AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE, OR SPECULATION):

Signed 
SCOUT EXECUTIVE

Council Cornhusker #324

NOTED

NOV 13 1989

JOSEPH L. ANGLIM

CONFIDENTIAL

APR 13 1989

F. STARON

CONF016889

January 22, 1991

Mr. Jerry D. Houchens
Scout Executive
Cornhusker Council, No. 324

PERSONAL AND CONFIDENTIAL

SUBJECT: John E. Fischback

Dear Jerry:

A recent check of our Ineligible Volunteer File against the National Eagle Scout Association indicated that the above named individual is presently a member of NESA.

This individual is listed on our Ineligible Volunteer File and will not be permitted to register with the Boy Scouts of America. We wanted you to be aware of this, so that the individual cannot participate in any activities with the council, simply because he is a member of NESA. He should not participate in any leadership capacity or assume any responsibility in the Boy Scouts of America. He could participate as a parent if he has a son or daughter involved.

We wanted to make you aware of this, so you would not involve him. Let us know if you have any questions.

Sincerely,

Paul Ernst, Director
Registration and Statistical Service

eko

cc: J. Thomas Ford, Jr., North Central Region

RECORD TO FILE

JAN 22 1991

ERIN O'RILEY

CONF016890

BOY SCOUTS OF AMERICA
 EL PASO COUNTY COUNCIL
 INELIGIBLE VOLUNTEER CHECKING MATCH REPORT - N.E.S.A. MEMBERS

CONT	N.E.S.A. MEMBER FULL NAME	LAST NAME	FIRST NAME	MIDDLE NAME	SEX	BIRTH YEAR	SOC SEC NO
	FREDERICK R. FIRESTONE	FIRESTONE	SAMUEL HUGH		M	51	
	CARL E FIRESTONE	FIRESTONE	F JAMES	A	M	52	
	JOHN FISCHEBACH	FISCHEBACH	JIMMIE WILLIAM PAUL	LEON	M	69	
	AUGUST F. FISCHER	FISCHER	JOHN	E	M	71	
	ADAM FISCHER 3RD	FISCHER	BRYON GALEN	D	M	85	
	CRAIG V FISCHER	FISCHER	BRYON GALEN	D	M	85	
	FREDERIC M. FISCHER	FISCHER	BRYON GALEN	D	M	85	
	JOHN F FISCHER	FISCHER	BRYON GALEN	D	M	85	
	JEFFREY P FISCHER	FISCHER	BRYON GALEN	D	M	85	
	JOHN M. FISCHER	FISCHER	BRYON GALEN	D	M	85	
	JOHN C. FISCHER	FISCHER	BRYON GALEN	D	M	85	

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

451-266

Case No.

PLAINTIFF

SUMMONS

VS

BOY SCOUTS OF AMERICA, et al.,

DEFENDANT.

TO DEFENDANT (S):

A petition was filed in the District Court of Lancaster

County, Nebraska on APRIL 24, 1990, 1990, by: [REDACTED]

, plaintiff (s)

against BOY SCOUTS OF AMERICA AND BOY SCOUTS OF AMERICA CORNHUSKER COUNCIL

, defendant(s).

Unless you file an appropriate written response with the Clerk of the District Court of Lancaster County, Nebraska WITHIN THIRTY DAYS after service of this summons upon you, in answer to the petition, judgment may be entered for the relief demanded in the petition.

(Copy of petition is attached)

Signed and sealed this 25th day of APRIL, 1990.

Marjorie A. Hart, Clerk

By

Shirley A. Crocker
Deputy

CAROLE MCMAHON-BOIES, PO BOX 6476, LINCOLN NE 68506

Plaintiffs Attorney and Address:

CONF016892

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

██████████,)	Docket _____	Page _____
)		
Plaintiff)		
)		
vs.)		
)	PETITION & PRAECIPE	
BOY SCOUTS OF AMERICA and)		
BOY SCOUTS OF AMERICA)		
CORNHUSKER COUNCIL,)		
)		
Defendants.)		

COMES NOW the plaintiff and for his cause of action against the defendants alleges and states as follows:

1. The plaintiff is a resident of Lincoln, Lancaster County, Nebraska and his date of birth is March 6, 1975; the defendant Boys Scouts of America is a non-profit corporation organized pursuant to the laws of Washington D.C. and conducting business in the State of Nebraska through the defendant Boy Scouts of America, Cornhusker Council.

2. That in 1986 the plaintiff joined Troop 5 of the Boy Scouts of American Cornhusker Council; that at that time John Fishbach was an assistant scout master for said troop.

3. The 15th day of November, 1986 John Fishbach came to plaintiff's home as assistant scoutmaster to work on a merit badge; that during the course of the visit at the plaintiff's house John Fishbach touched the plaintiff's sex organs on that occasion; again in December of 1986 John Fishbach came to the plaintiff's place of residence for the stated purpose of working on a scout merit badge and again touched the plaintiff's sex organs; again in approximately June of 1987 John Fishbach came to the plaintiff's place of

residence for the purpose of working on a scout merit badge, and again touched the plaintiff in a like manner.

4. That prior to assigning John Fishbach as assistant scoutmaster for the plaintiff's troop the defendant was aware that John Fishbach had in the past had inappropriate sexual contact with boys in a scouting troop; that despite this knowledge the defendant Cornhusker Counsel, pursuant to the policies of the Boy Scouts of America, reassigned John Fishbach to another scouting troop and failed to protect the plaintiff against John Fishbach.

5. That at all times mentioned herein the defendants were aware of the likelihood that John Fishbach would engage in sexual contact with a minor boy.

6. As a result of the breach of the defendants' duty to protect the plaintiff against the sexual contact of John Fishbach, the plaintiff has suffered emotional upset and humiliation and has been forced to undergo counseling in an attempt to minimize the impact of the defendant's negligence. The plaintiff has incurred the costs of counseling in the amount of \$75.00.

WHEREFORE the plaintiff prays for judgment against the defendants in the amount of \$75.00 and general damages as allowed by law and costs of this action.

[REDACTED], Plaintiff
By: PEPPERL & MCMAHON-BOIES
[REDACTED]
Lincoln, NE 68506
[REDACTED]

By: _____ 16890

PRAECIPE

TO THE CLERK OF THE LANCASTER COUNTY DISTRICT COURT:

Please issue 2 summons in the above-captioned matter and direct the same to be served upon certified mail upon the defendant; The Boy Scouts of American Cornhusker Council at their usual place of business and upon the defendant Boy Scouts of America by certified mail in Washington, D.C.

Plaintiff's attorney

2 PM 4-27-90

CALL FROM SE. Co 324

SUIT AGAINST US BY BOY
AND PARENTS - BOY SEXUALLY ABUSED
BY FISCHBACH (HE WAS ACQUITTED).
APPEARED IN PAPER 4-27-90

INFO TO COME FROM CMC
CMC ATTORNEY PETITIONED BY SE.
SUGGESTED CALL TO RISK MGMT.

Paul C. ...

November 20, 1989

Mr. Jerry D. Houchens
Scout Executive
Cornhusker Council, No. 324

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN E. FISHBACH

Dear Jerry:

Thank you for the detailed information sent concerning the above Scouter.
This case has been reviewed with our attorney and is now on our permanent
Confidential File.

Sincerely,

Paul Ernst, Director
Registration Service

jf

cc: North Central Region

READY TO FILE

NOV 15 1989

ERIN O'RILEY

CONF016897



BOYS SCOUTS OF AMERICA

CORNHUSKER COUNCIL, INC. NO. 324

Suite 400, 3940 Cornhusker Highway, Lincoln, Nebraska 68504-1580
(402) 466-2337

November 10, 1989

Paul Ernst
Director
Registration Service
National Office
Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 152079
Irving, TX 75015-2079

Dear Paul

Sorry to be so long in my response regarding John Fishbach but as you can see I just received the results. The County Attorney is on my board and has kept me informed.

Sincerely,

Jerry D. Houchens
Scout Executive
Cornhusker Council, BSA

JDH/gh

Enclosure

Child assault charges dropped; ex-Scout leader to be evaluated

The Lancaster County attorney's office has dismissed two charges against former assistant Boy Scout leader John Fischbach, who had been accused of fondling an 11-year-old Scout.

Fischbach, 33, 520 Eldora Lane, is to undergo a psychological evaluation as part of an agreement filed Tuesday in Lancaster County District Court. Fischbach also agreed to complete counseling if that is recommended.

Fischbach had been charged with two counts of sexual assault of a child.

Fischbach was arrested March 30 and charged with fondling an 11-year-old Boy Scout. The boy told authorities that Fischbach fondled him in January 1987 and in March 1987 when Fischbach came to the boy's residence to help him with

Scouting activities.

The boy told his father about the alleged assaults in March, police said.

Jim Mowbray, Fischbach's attorney, said his client maintains that he is innocent of the charges. Mowbray said agreements, such as the one Fischbach entered, are not uncommon when there is a question about whether the county attorney's office can prove the charges.

Rather than having both sides risk losing at a trial, such an agreement allows the state to address the problem if there is one, especially with people likely to have contact with children.

Fischbach, who was removed from his Boy Scout duties when charges were filed, does not plan to resume work as an assistant leader. Mowbray said.

October 3, 1989

READY FOR FILE

OCT 03 1989

JULIE EATON

Mr. Jerry D. Houchens
Scout Executive
Cornhusker Council, No. 324

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN E. FISCHBACH

Dear Jerry:

I hate to bother you again, but we will follow up until we receive all the information we need to have a complete file.

I would like the outcome of the legal action, if it has been completed. This would give us all of the material necessary for refusing registration anywhere in the country.

Thanks for your help in completing this matter.

Sincerely,

Paul Ernst, Director
Registration Service

jf

cc: North Central Region

CONF016900

READY FOR FILE

JUN 30 1989

JULIE EATON

June 29, 1989

Mr. Jerry D. Houchens
Scout Executive
Cornhusker Council, No. 324

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN E. FISCHBACH

Dear Jerry:

We really appreciate the material which you sent us in April concerning the above named individual. This is most helpful as we start a file which will lead to refusal of future registration.

I would like to know if any further activity has developed related to the legal charges. If the trial has now been held, we would like the outcome and any sentencing which may have been imposed.

Thanks for your help in completing this file.

Sincerely,

Paul Ernst, Director
Registration Service

je

cc: North Central Region

CONF016901



of sex assault of boy, 11

John E. Fischbach, 33, of 520 Eldora Lane was arraigned Thursday in Lancaster County Court on two felony charges of having sexual contact with a child.

The charges and arrest warrant documents filed in court alleged that in January and March of 1987, Fischbach had sexual contact with an 11-year-old boy he was supervising as an assistant Boy Scout leader.

According to the warrant documents, both incidents occurred at the boy's home while Fischbach and the boy were discussing Scouting activities. In both incidents, Fischbach was alleged to have rubbed the boy's genitals while both he and the boy were clothed.

On March 27 of this year the boy's father overheard a telephone conversation, during which the boy said that he intended to quit Scouting. The boy reported the incidents to his father after the man asked why he intended to quit, the warrant documents stated.

After discussing the incidents, the boy's father telephoned police.

Fischbach was released from custody Thursday after posting 10 percent of a \$10,000 bond set by Judge James Foster.

Foster ordered as a condition of the bond that Fischbach have no contact with the boy alleged to have been the victim of the sexual assaults, and to have no unsupervised contact with any child younger than 16.

Jerry Houchens, executive director of the Cornhusker Council of the Boy Scouts of America, said Fischbach was removed from his volunteer duties with the Scouts after council officials learned of the charges against him. Houchin said Fischbach could appeal the removal if he is acquitted of the charges.

Houchens said the Boy Scouts had, in recent years, instituted an educational program and adopted screening procedures for volunteer and professional workers, designed to prevent incidents of sexual abuse of children.

Boy Scout leader charged for allegedly fondling boy

An assistant Boy Scout leader in Lincoln was charged Thursday in Lancaster County Court with two counts of sexual assault of a child for allegedly fondling a 12-year-old Scout member.

John E. Fischbach, 520 Eldora Lane, 33, allegedly fondled the boy, who is now 14, on two occasions in January and March 1987.

Fischbach owns a lawn service and has been an assistant scout leader since 1985, authorities said.

The assaults allegedly occurred at the boy's residence, according to an arrest warrant affidavit filed Wednesday in Lancaster County Court.

In January 1987, Fischbach allegedly fondled the boy when he went to the

boy's residence to discuss troop activities, the arrest warrant said.

About seven weeks later, Fischbach allegedly fondled the boy when he went to his residence to help him with a merit badge, the arrest warrant said.

The boy's father told police that in late summer 1987 his son did not want to return to Boy Scouts, go on outings, camping trips or to meetings, the arrest warrant said.

Despite his reluctance, the boy continued in Boy Scouts, authorities said.

On Monday, after the boy told his mother he was going to quit Boy Scouts, he told his father about the alleged assaults, the arrest warrant said.

Fischbach was arrested Thursday morning at his home and was arraigned Thursday afternoon in county court.

Police said Fischbach has been relieved of his Scouting duties while the charges are pending.

Judge James Foster set Fischbach's bond at \$10,000 with a provision that he be released from jail by posting 10 percent of that amount. Foster also ordered that Fischbach have no contact with the alleged victim or any unsupervised child younger than 16.



BOYS SCOUTS OF AMERICA

CORNHUSKER COUNCIL, INC. NO. 324
Suite 400, 3940 Cornhusker Highway, Lincoln, Nebraska 68504-1580
(402) 466-2337

April 10, 1989


Paul Ernst
Director of Registration & Subscription
Boy Scouts of America
1325 Walnut Hill Lane
Box 152079
Irving Texas 75015-2079

Dear Paul,

On Thursday, March 30th, 1989, John Fischbach registered as an Assistant Scoutmaster of Troop 5, was arrested by 2 Lincoln detectives and arraigned on two felony charges of having sexual contact with a child who was a scout registered in Troop 5. According to warrant documents, both incidents occurred at the boy's home while Fischbach and the boy were discussing scouting activities. John has been removed from his involvement with the Boy Scouts and we refunded to him two months registration fee.(charter due in April) John was also given a letter from Council President.

Enclosed is a copy of the newspaper articles. We will keep you posted on the outcome.

Sincerely,


Jerry Houchens
Scout Executive

JH/db

Enclosures

*Added to CF file
Deleted from reg file
4/13/89 em*